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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,151	04/16/2004	Penelope E. Haxell	1-23-8	8593

7590 08/04/2009
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824

EXAMINER

PHAN, HANH

ART UNIT	PAPER NUMBER
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2613

MAIL DATE	DELIVERY MODE
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08/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,151	Applicant(s) HAXELL ET AL.	
	Examiner Hanh Phan	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,9,11-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,9,11,12,14,16,17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5,13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 05/01/2009.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 6, 9, 11, 12, 14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hill (US Patent No. 6,798,781).

Regarding claims 1, 6 and 14, referring to Figures 1 and 3, Hill teaches a method for communicating in a time-domain wavelength interleaved network having a hub node (i.e., a hub node includes a network controller 4 and a wavelength-dependent router 3, Fig. 1), comprising:

transmitting substantially all communications through the hub node without changing a wavelength of the communications at the hub node (i.e., Figs. 1 and 3, col. 3, lines 7-50); and

synchronizing a transmission and reception of a message such that a message sent in a time-slot K by a node N_i is received by a node N_j in the time slot k, wherein the

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synchronizing the step is performed by the hub node (i.e., Figs. 1 and 3, col. 3, lines 7-50).

Regarding claims 4, 11 and 16, Hill further teaches wherein the hub node imposes a timing reference (i.e., Figs. 1 and 3, col. 3, lines 7-50).

Regarding claim 9, referring to Figures 1 and 3, Hill teaches a node in a time-domain wavelength interleaved network having a hub node, comprising:

a tunable laser (i.e., tunable optical transmitter 2, Fig. 3) directed toward the hub node (i.e., Figs. 1 and 3, col. 3, lines 7-50);

a wavelength dropper (i.e., optical tunable receiver 2, Fig. 3) for dropping signals having a wavelength associated with the node only from a fiber coming from the hub node, wherein substantially all communications in the time-domain wavelength interleaved network are transmitted through the hub node without changing a wavelength of the communications at the hub node and wherein synchronizing a transmission and reception of a message such that a message sent in a time-slot K by a node N_i is received by a node N_j in the time slot k, wherein the synchronizing is performed by the hub node (i.e., Figs. 1 and 3, col. 3, lines 7-50).

Regarding claims 12 and 17, Hill further teaches wherein the hub node performs a time-slot scheduling without regard to a delay in the time-domain wavelength interleaved network (i.e., Figs. 1, 3 and 6, col. 3, lines 7-50).

Regarding claims 19 and 20, Hill further teaches further comprising a plurality of the nodes interconnected in a tree configuration (i.e., Figs. 1 and 3).

Allowable Subject Matter

4. Claims 5, 13 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 4-6, 9, 11-14 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye, can be reached on (571)272-3078. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

/Hanh Phan/

Primary Examiner, Art Unit 2613

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